

presidential documents

[3195-01]

Title 3—The President

Executive Order 12058

May 11, 1978

Functions Relating to Nuclear Non-Proliferation

By virtue of the authority vested in me by the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242, 92 Stat. 120, 22 U.S.C. 3201) and the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. *Department of Energy.* The following functions vested in the President by the Nuclear Non-Proliferation Act of 1978 (92 Stat. 120, 22 U.S.C. 3201), hereinafter referred to as the Act, and by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), hereinafter referred to as the 1954 Act, are delegated or assigned to the Secretary of Energy:

(a) That function vested by Section 402(b) of the Act (92 Stat. 145, 42 U.S.C. 2153a).

(b) Those functions vested by Sections 131a(2)(G), 131b(1), and 131f(2) of the 1954 Act (92 Stat. 127, 42 U.S.C. 2160).

(c) That function vested by Section 131f(1)(A)(ii) of the 1954 Act to the extent it relates to the preparation of a detailed generic plan.

SEC. 2. *Department of State.* The Secretary of State shall be responsible for performing the following functions vested in the President:

(a) Those functions vested by Sections 104(a), 104(d), 105, 403, 404, 407, and 501 of the Act (92 Stat. 122, 123, 123, 146, 147, 148, and 148, 22 U.S.C. 3223(a), 3223(d), 3224, and 42 U.S.C. 2153b, 2153c, 2153e, and 22 U.S.C. 3261).

(b) That function vested by Section 128a(2) of the 1954 Act (92 Stat. 137, 42 U.S.C. 2157(a)(2)).

(c) That function vested by Section 601 of the Act to the extent it relates to the preparation of an annual report.

(d) The preparation of timely information and recommendations related to the President's functions vested by Sections 126, 128b, and 129 of the 1954 Act (92 Stat. 131, 137, and 138, 42 U.S.C. 2155, 2157, and 2158).

(e) That function vested by Section 131c of the 1954 Act (92 Stat. 129, 42 U.S.C. 2160(c)); except that, the Secretary shall not waive the 60-day requirement for the preparation of a Nuclear Non-Proliferation Assessment Statement for more than 60 days without the approval of the President.

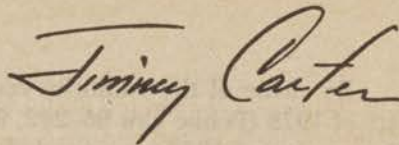
SEC. 3. *Department of Commerce.* The Secretary of Commerce shall be responsible for performing the function vested in the President by Section 309(c) of the Act (92 Stat. 141, 42 U.S.C. 2139a).

SEC. 4. *Coordination.* In performing the functions assigned to them by this Order, the Secretary of Energy and the Secretary of State shall consult and coordinate their actions with each other and with the heads of other concerned agencies.

THE PRESIDENT

SEC. 5. *General Provisions.* (a) Executive Order No. 11902 of February 2, 1976, entitled "Procedures for an Export Licensing Policy as to Nuclear Materials and Equipment," is revoked.

(b) The performance of functions under either the Act or the 1954 Act shall not be delayed pending the development of procedures, even though as many as 120 days are allowed for establishing them. Except where it would be inconsistent to do so, such functions shall be carried out in accordance with procedures similar to those in effect immediately prior to the effective date of the Act.



THE WHITE HOUSE,
May 11, 1978.

[FR Doc. 78-13478 Filed 5-15-78; 10:26 am]

[3195-01]

The President

Executive Order 12059

May 11, 1978

United States Circuit Judge Nominating Commission

By virtue of the authority vested in me as President by the Constitution and statutes of the United States of America, in order to clarify and amend the responsibilities of the various panels of the United States Circuit Judge Nominating Commission and to continue the Commission, it is hereby ordered as follows:

SECTION 1. *Establishment of the Commission.* There is hereby established the United States Circuit Judge Nominating Commission (hereinafter referred to as the "Commission"). The Commission shall be composed of thirteen panels, each of which shall, upon the request of the President, recommend for nomination as circuit judges persons whose character, experience, ability and commitment to equal justice under law, fully qualify them to serve in the Federal judiciary. Except as indicated below, each panel shall serve a geographic area set forth in 28 U.S.C. 41. The panels shall be as follows:

- (1) Panel for the District of Columbia Circuit;
- (2) Panel for the First Circuit;
- (3) Panel for the Second Circuit;
- (4) Panel for the Third Circuit;
- (5) Panel for the Fourth Circuit;
- (6) Panel for the Eastern Fifth Circuit, for the States of Alabama, Florida, Georgia and Mississippi;
- (7) Panel for the Western Fifth Circuit, for the States of Louisiana and Texas, and the Canal Zone;
- (8) Panel for the Sixth Circuit;
- (9) Panel for the Seventh Circuit;
- (10) Panel for the Eighth Circuit;
- (11) Panel for the Southern Ninth Circuit, for the States of Arizona, California, and Nevada;
- (12) Panel for the Northern Ninth Circuit, for the States of Alaska, Hawaii, Idaho, Montana, Oregon and Washington, and the Territory of Guam; and
- (13) Panel for the Tenth Circuit.

A panel shall be designated as, *e.g.*, the "United States Circuit Judge Nominating Panel for the First Circuit."

SEC. 2. *Membership.* (a) The membership of the Commission shall consist of the combined memberships of the panels. The President may appoint a member of the Commission as its Chairman, with such duties as the President may assign.

(b) A panel shall be composed of a Chairman and such other members as the President may appoint;

(c) Each panel shall include members of both sexes and members of minority groups, and each panel shall include at least one lawyer from each State within a panel's area of responsibility.

(d) All members of the panel for the District of Columbia Circuit shall be persons residing within the District of Columbia or within twenty miles of its boundaries.

SEC. 3. *Functions of Panels.* (a) A panel shall begin functioning when the President or his designee notifies its Chairman that the President desires the panel's assistance in aid of his constitutional responsibility and discretion to select a nominee to fill a vacancy or vacancies on a United States Court of Appeals. Upon such notification, the panel shall:

- (1) Give public notice of the vacancy or vacancies within the relevant geographic area, inviting suggestions as to potential nominees;
- (2) Conduct inquiries to identify potential nominees;
- (3) Conduct inquiries to identify those persons among the potential nominees who are well qualified to serve as a United States Circuit Judge; and
- (4) Report to the President, within the time specified in the notification of the vacancy or vacancies, the results of its activities, including its recommendations as to the persons whom the panel considers best qualified to fill the vacancy or vacancies.

(b) The Panel for the District of Columbia Circuit shall have the additional function of recommending nominees for the United States District Court for the District of Columbia, in accordance with the standards and procedures prescribed by this order for recommending nominees for circuit judges.

SEC. 4. *Standards for Selection of Proposed Nominees.* (a) Before transmitting to the President the names of the persons it deems best qualified to fill an existing vacancy or vacancies, a panel shall have determined:

- (1) That those persons are members in good standing of at least one state bar, or the District of Columbia bar, and members in good standing of any other bars of which they may be members;
- (2) That they possess, and have reputations for, integrity and good character;
- (3) That they are of sound health;
- (4) That they possess, and have demonstrated, outstanding legal ability and commitment to equal justice under law; and
- (5) That their demeanor, character, and personality indicate that they would exhibit judicial temperament if appointed to the position of United States Circuit Judge.

(b) In selecting persons whose names will be transmitted to the President, a panel shall consider whether the training, experience, or expertise of certain of the well qualified individuals would help to meet a perceived need of the court of appeals on which the vacancy or vacancies exist.

(c) To implement the above standards, a panel may adopt such additional criteria or guidelines as it considers appropriate for the identification of potential nominees and the selection of those best qualified to serve as United States Circuit Judges.

(d) Each panel is encouraged to make special efforts to seek out and identify well qualified women and members of minority groups as potential nominees.

SEC. 5. *Ineligibility of Commission Members.* No person shall be considered by a panel as a potential nominee while serving as a Commission member or for a period of one year after termination of such service.

SEC. 6. *Travel Expenses and Financing.* (a) Members of the Commission shall receive no compensation from the Government of the United States for their service as members of the Commission, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5702 and 5703) for persons intermittently employed in the government service.

(b) All necessary expenses incurred in connection with the work of the Commission shall be paid from the appropriation for "Unanticipated Needs"

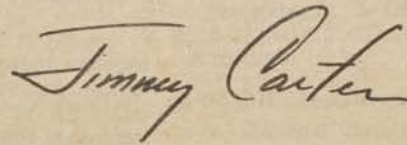
in the Executive Office Appropriations Act or from such other funds as may be available.

(c) Expenditures authorized by this Section may be made only after the President has notified a panel's chairman that he desires the panel's assistance in accordance with Section 3 above, and before the termination of appointments to the panel in accordance with Section 7 below.

SEC. 7. *Term of Membership.* Unless extended by the President, each appointment to a panel shall terminate thirty days after submission of the panel's report to the President.

SEC. 8. *Termination of Commission.* The Commission shall terminate on December 31, 1978, unless sooner extended by the President.

SEC. 9. *Revocations.* Executive Order No. 11972 and Executive Order No. 11993 are hereby revoked.



THE WHITE HOUSE,
May 11, 1978.

[FR Doc. 78-13489 Filed 5-15-78; 12:02 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Energy, Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C a position in the Department of Energy because it is confidential in nature and (2) reestablishes a position in the Department of Housing and Urban Development because it is confidential in nature.

EFFECTIVE DATES: Department of Energy—April 28, 1978; Department of Housing and Urban Development—April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3331(a)(10) and 213.3384(h) are added as set out below:

§ 213.3331 Department of Energy.

(a) *Office of the Secretary.* * * *

(10) One Confidential Assistant (Secretary) to the Deputy Under Secretary for Commercialization.

* * *

§ 213.3384 Department of Housing and Urban Development.

* * *

(h) *Office of the Administrator, Federal Disaster Assistance Administration.* (1) One Private Secretary (Steno) to the Administrator.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE
COMMISSION.

JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[FR Doc. 78-13152 Filed 5-15-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Energy

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C the position of Administrator, Southwestern Power Administration because the position is confidential in nature.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION:

On Position Authority Contact:
Hugh A. Strehle, Civil Service Commission, 202-632-4625.

On Position Content Contact:
Eugene H. Beach, Department of Energy, 202-566-9505.

Accordingly, 5 CFR 213.3331(t) is added as set out below:

§ 213.3331 Department of Energy.

* * *

(t) *Southwestern Power Administration.* (1) Administrator.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[FR Doc. 78-13153 Filed 5-15-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Justice, Department of Energy

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Part 213 is amended to: (1) Except a position at the Department of Justice from the competitive service because it is confidential in nature, and (2) reflect organization transfers involving title changes at the Department of Energy.

EFFECTIVE DATES: Department of Justice—May 6, 1978; Department of Energy—May 8, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3310(a)(11) and 213.3331(c)(7), (m)(6) are amended as follows:

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* * *

(11) One Staff Assistant (Secretary) and one Special Assistant to the Director, Office of Public Information.

* * *

§ 213.3331 Department of Energy.

* * *

(c) *Federal Energy Regulatory Commission.* * * *

(7) Two Confidential Assistants to Members of the Commission.

* * *

(m) *Office of the Assistant Secretary for Intergovernmental and Institutional Relations.* * * *

(6) Two Staff Assistants, Congressional Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE
COMMISSION,

JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[FR Doc. 78-13212 Filed 5-15-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of the Navy

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Positions of Student Pharmacist for temporary, part-time, or intermittent employment in U.S. Navy facilities are excepted under Schedule A because it is not practicable to examine for them. Position incumbents will be students who are enrolled in an approved pharmacy program in a participating non-Federal in-